

### REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1, 4-7, 17, 20, 22, 25, 26 and 28 have been amended. Claims 2, 3, 18, 19, 23 and 24 are canceled without prejudice or disclaimer. New claims 29 -36 have been added. Claim 1 has been amended to include the limitations of claims 2 and 3. Claim 17 has been amended to include limitations of claims 18 and 19. Claim 22 has been amended to include the limitations of claims 23 and 24. Claims 4-7, 20, 25, 26 and 28 have been amended to correct claim dependencies in view of the cancellation of claims 2, 3, 18, 19, 23 and 24. Support for the amendments to claim 22 is provided by at least Figures 5-12 and the description of those figures at pages 6-12 of the present application. New claims 29, 32, 33, 35 and 36 include the allowable limitations of claims 10, 11, 12, 14 and 25 respectively. New claims 30 and 31 are supported by Figures 5-12 of the present application. Claim 34 tracks the limitations of claim 13. No new matter has been added.

### § 102 Rejections

Claims 1-5, 9, 15-24, 26 and 27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Owens (GB 1510706). Applicants respectfully traverse this rejection.

Owens discloses a solid fuel fired heating appliance that includes an air inlet 3 for passing air into the combustion chamber of the appliance to control a rate of burn of the fuel in the combustion chamber. A cover 4 carried by a pendulum arm 5 moves between open and closed positions relative to the inlet to control the airflow through the inlet 3. When in a rest position, the pendulum arm 5 causes the cover to maintain an open position. The pendulum arm 5 is coupled to two separate control members via cantilever members 7 and 8. The first control member includes a thermostat 11 that is used to displace the cover 4 into its closed position based on a temperature measurement. The second control member includes a bimetal strip 14, which when heated overrides the thermostat 11 to close the cover 4. With this configuration, the cover 4 is either actively closed with the first controlling member based on a temperature reading of the thermostat 11, or is maintained closed by the second control member via the heated strip 14.

The bimetal strip 14 is heated with a supply of electric current that is controlled by a timing device. The timing device is used solely for the purpose of controlling when an electric current is supplied for heating the bimetal strip 14.

Owens fails to disclose "the actuating member including a follower surface formed therein, and the follower member including a first end coupled to the cover and a second end that engages the follower surface; and a timer coupled to the actuating member," as required by claim 1. Owens further fails to disclose "coupling the actuator member to the timer; coupling the follower member to the cover and engaging the follower member on the follower surface; ... and moving the actuating member with the timer thereby moving the follower member along the follower surface to adjust the position of the cover," as required by claim 17. Owens still further fails to disclose "an actuating assembly that includes an actuating member and a follower member, the actuator member having a follower surface, and the follower member being secured to the cover and engaging the actuating member along the follower surface," as required by claim 22. Owens fails to disclose an actuator member having a follower surface and a follower member engaging the follower surface. Therefore, Owens fails to disclose every limitation of claims 1, 17 and 22 and the claims that depend from them.

Owens also fails to disclose "moving the actuating member with the timer," as required by claims 17. As described above, the timer disclosed by Owens is used to generate a signal that activates a heater that heats a bimetal strip, which when heated moves the pendulum arm 5 to adjust the position of the cover 4. The timer itself does not move the heater, the bimetal strip or the pendulum arm, but merely generates a signal. Therefore, Owens fails to disclose every limitation of claim 17 for this additional reason.

Claims 1-5, 7, 15-24 and 26-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Poelz (AT 389381). Applicants respectfully traverse this rejection.

Poelz discloses a device for controlling the opening and closing of an air flap for a furnace. The flap is connected to a time switch via a flexible pull member that is rolled up onto a winding pulley. The winding pulley is arranged directly on the actuating shaft of the timer. As a result, as the timer rotates over time, the flap closes.

Poelz fails to disclose the actuating assembly of claims 1, 17 and 22 which include an actuating member with a follower surface and a follower member that engages the follower surface. Poelz is limited in its disclosure to a simple pulley arrangement. Neither the cable 10, pulley 5, support member 3 or any other feature of Poelz includes a follower surface configured for engagement by the follower member and is coupled to the timer. Therefore, Poelz fails to disclose every limitation of claims 1, 17 and 22, and the claims that depend from them.

Claims 1, 2, 8, 15-18 and 21-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Frei (US 5,553,604). Applicants respectfully traverse this rejection.

Claim 1 has been amended to include the limitations of claim 3. Therefore, this rejection is moot as to the rejection of claim 1 and its amended form.

Frei discloses an apparatus in which air flow for combustion is controlled by a slide 14 position relative to openings 8, 19. Frei discloses that a slider position can be controlled based on quantity and time. However, Frei fails to disclose an actuating member having a follower surface and a follower member that engages the follower surface. Frei also fails to disclose that moving the follower along the follower surface controls the position of the cover. Therefore, Frei fails to disclose every limitation of claims 17 and 22 and the claims that depend from them.

#### New Claims

New claim 29 includes the limitations of dependent claims 9 and 10 rewritten in independent form. New claims 30 and 31 depend from claim 29 and include further details related to the manual adjustment arm. The prior art of record fails to disclose or suggest a manual adjustment arm with at least the sliding features required by claims 30 and 31. New claim 32 includes the limitations of claim 11 rewritten in independent form. Claim 33 includes the limitations of claim 12 rewritten in independent form. Claim 34 tracks the limitations of original claim 13. Claim 35 includes the limitations of claim 14 rewritten in independent form. Claim 36 includes the limitations of claim 25 rewritten in independent form.

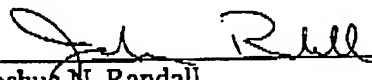
Applicants submit that the prior art of record fails to disclose or suggest every limitation of new claims 29-36. Consideration and allowance of new claims 29-36 is respectfully requested.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.

Respectfully submitted,

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